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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/394,521	09/10/99	MATSUMOTO	N 35.G0708C/D2

005514 WM31/0815  
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EXAMINER

NGUYEN, M

ART UNIT

PAPER NUMBER

2622

DATE MAILED:

08/15/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

TS

# Office Action Summary

Application No.  
09/394,521

Applicant(s)  
Matsumoto

Examiner  
Madeleine AV Nguyen

Group Art Unit  
2622



☒ Responsive to communication(s) filed on Sep 10, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 25-31 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 25-31 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimotono (US Patent No. 4,964,154).

Concerning claims 25-26, Shimotono discloses a method of controlling a data communication apparatus in a data processing system (Fig.1) having the data communication apparatus (1) and a host computer (3) connected to the data communication apparatus by an interface (2). The method comprises a communication step of communicating control information and document information with a communication partner (5) through a network (4); and a notification step of notifying the host computer of information regarding the communication partner based on the information received in the communication step through the interface.

Shimotono does not teach that the control information is protocol information and document information or ID information and ability information of the communication partner. However, Shimotono teaches that the transmission control portion 24 output the DIS (Digital Identification Signal) to the remote facsimile device 5 and the remote facsimile 5 sends back DCS

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(Digital Command Signal), training signal, training check to the transmission control portion 24.

The computer 3 then receives from the communication adaptor device 2 various page property information which are identification and ability information of the remote facsimile machine 5 such as telephone number, procedure signals, communication state, coding mode, page size of image information, line density, etc. (col. 7, line 13 - col. 8, line 24; col. 9, lines 7-16; col. 12, lines 45-62; col. 14, lines 30-45). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to consider the control information in the page property includes protocol information and document information since Shimotono teaches the communication adaptor device 2 receives information from the remote facsimile machine 5 and transmits them to the computer 3.

Concerning claims 27-28, the Shimotono further teaches that the communication device 2 send page property regarding the communication partner in accordance with a ready signal from the host computer (Fig.3); the data communication apparatus is a facsimile apparatus (1, Fig.1).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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4. Claims 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Satomi et al (US Patent No. 5,048,078).

Concerning claim 29-31, Satomi et al teaches a method of controlling a data processing apparatus (Fig.1) which is a facsimile unit having the data processing apparatus (1) and a host computer (2). The method comprises an instruction reception step of receiving an instruction (CNG, Fig.4) from the host computer 2; and notification step of notifying the host computer of information about the model type and the model version of the data processing apparatus (CED, NSF, CSI, DIS, Fig.4) including the model type and the model version (col. 2, line 44 - col. 3, line 4; col. 4, lines 18-68).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Ishida et al (US Patent No. 5,041,918) discloses a facsimile adapter unit for use with a host apparatus for sending and receiving document information to and from a remote terminal via a communication network.

b. Perine et al (US Patent No. 4,974,254) teaches an interactive data retrieval system for producing facsimile reports.

c. Miyamoto (US Patent No. 5,276,687) recites a network system having different attributes of terminal equipment devices.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine Anh-Vinh Nguyen whose telephone number is (703) 305-4860.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, DC 20231

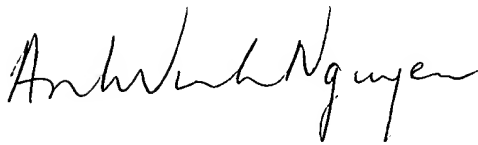
or faxed to:

(703) 308-9051 (for formal communication at s intended for entry)

(703) 308-9051 (for informal or draft communications, such as proposed amendments to be discussed an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two  
2121 Crystal Drive  
Arlington, VA.  
Sixth Floor (Receptionist)



Madeleine Anh-Vinh Nguyen  
Primary Examiner  
Art Unit 2722  
August 10, 2001